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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,072	07/09/2004	Ralf Fink	254580US0PCT	3326
22850	7590	12/26/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SELLMAN, CACHET I				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
12/26/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/501,072

Applicant(s)

FINK ET AL

Examiner

CACHET I. SELLMAN

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1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11, 13-15, 17-20, 22-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 7-11, 17-20, 22-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification fails to provide the section headings.

Double Patenting

1. Claim 29 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 28. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper

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after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

2. The indicated allowability of claims 9-10, 21-23 and 26-28 are withdrawn in view of the newly discovered reference(s) to Tsuchiko, Akiyama et al. , Kamiya. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 7-8, 10 and 19-20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuchiko (JP 63020381).

Tsuchiko discloses a mixture which comprises a radiation curable composition, a compound having at least two ethylenically unsaturated double bonds, and a pressure sensitive adhesive, an acrylic polymer wherein the adhesive is crosslinkable by uv radiation (see english abstract) as required by claim 7. The radiation curable composition comprises 100% of the polymerizable compound having ethylenically unsaturated groups as required by claim 8. The mixture comprises an acrylic adhesive as required by claim 19.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 9, 11, 17-18 and 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiko as applied above in view of Akiyama et al. (JP 2002309185).

Tsuchiko fails to teach that the compound A comprises carbonate or urethane meth(acrylates) as required by claim 9.

However, it was well known in the art at the time of the invention to use such radiation curable compounds in a composition to provide an adhesive having pressure sensitive properties as taught by Akiyama et al. It would have been obvious to one having ordinary skill in the art to use the curable compounds of Akiyama et al. in the process of Tsuchiko because it is merely substituting one usable compound for another.

Tsuchiko fails to state that the composition has the percentages of each component as claimed in claim 11. However, it would have been obvious to one having ordinary skill in the art to adjust the percentages using routine experimentation to the claimed range in order to provide an adhesive with adequate adhesion properties for the end use.

In regards to claims 17 and 18,

Tsuchiko fails to teach that the compositing is applied to a plastic, glass or metal substrate as required. However, Akiyama et al. teaches a radiation curable adhesive which is used to coat plastics, glass or metals to provide a protective coating therefore it would have been obvious to one having ordinary skill in the art to use the composition of Tsuchiko to the substrates as described by Akiyama et al.

In regards to claim 24,

The adhesive is an acrylic adhesive.

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4. Claims 23 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiko in view of Kamiya (JP 11228926).

The teachings of Tsuchiko are as stated above in regards to claim 7. However, Tsuchiko fails to teach that the acrylic adhesive has a molecular weight of 200 000 and 1 500 000 g/mol as required by claims 23 and 29.

However, it was well known in the art at the time of the invention to use acrylic adhesives having molecular weights of 100 000 – 700 000 when providing radiation curable pressure sensitive adhesive compositions as taught by Kamiya. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tsuchiko to include such acrylic adhesives in order to provide a composition having improved applicability and radiation curability.

In regards to claims 28- 29,

Tsuchiko fails to state that the composition has the percentages of each component as claimed. However, it would have been obvious to one having ordinary skill in the art to adjust the percentages using routine experimentation to the claimed range in order to provide an adhesive with adequate adhesion properties for the end use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman
Examiner
Art Unit 1792

/C. I. S./
Examiner, Art Unit 1792

/William Phillip Fletcher III/
Primary Examiner, Art Unit 1792